

# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**  
Secretary to the Commission

**VOLUME 15. Part 21. Pp. 379—392**

## **OPINION 455**

Validation under the Plenary Powers (a) of the emenda-  
tion to *Sphenodon* of the generic name *Sphaenodon*  
Gray (J.E.), 1831, and (b) of the family-group name  
SPHENODONTIDAE Cope, 1870 (Class Reptilia)

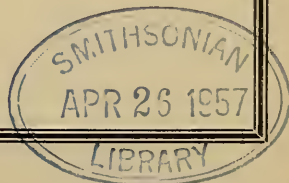
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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 455

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*Vice-President* : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

*Secretary* : Mr. Francis HEMMING (*London, England*) (27th July 1948)

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(6th November 1954)

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1954)

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Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTENESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*)  
(16th December 1954)

## OPINION 455

VALIDATION UNDER THE PLENARY POWERS (a) OF THE EMENDATION TO "SPHENODON" OF THE GENERIC NAME "SPHAENODON" GRAY (J.E.), 1831, AND (b) OF THE FAMILY-GROUP NAME "SPHENODONTIDAE" COPE, 1870 (CLASS REPTILIA)

**RULING :—**(1) Under the Plenary Powers :—

(a) the emendation to *Sphenodon* of the generic name *Sphaenodon* Gray (J.E.), 1831, is hereby approved ;

(b) the family-group name HATTERIIDAE Cope, 1864 (type genus : *Hatteria* Gray (J.E.), 1842) is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name No. 1067 :—

*Sphenodon* (emend. of *Sphaenodon*) Gray (J.E.), 1831  
(gender : masculine) (type species, by monotypy :  
*Hatteria punctata* Gray (J.E.), 1842)

(3) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name No. 1144 :—

*punctata* Gray (J.E.), 1842, as published in the combination *Hatteria punctata* (specific name of type species of *Sphenodon* Gray (J.E.), 1831).

(4) The under-mentioned generic names are hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Numbers severally specified below :—

(a) *Sphaenodon* Gray (J.E.), 1831 (an Original Spelling for *Sphenodon* rejected under the Plenary Powers in (1)(a) above) (Name No. 858) ;

(b) *Hatteria* Gray (J.E.), 1842 (a junior objective synonym of *Sphenodon* Gray (J.E.), 1831) (Name No. 859) ;

(c) *Rhynchocephalus* Owen, 1845 (a junior objective synonym of *Sphenodon* Gray (J.E.), 1831, and a junior homonym of *Rhynchocephalus* Fischer de Waldheim, 1806).

(5) The under-mentioned family-group name is hereby placed on the *Official List of Family-Group Names in Zoology* with the Name No. 145 :—

SPHENODONTIDAE Cope, 1870, as validated under the Plenary Powers in (1)(b) above (type genus : *Sphenodon* (emend. of *Sphaenodon*) Gray (J.E.), 1831).

(6) The under-mentioned family-group names are hereby placed on the *Official Index of Rejected and*

*Invalid Family-Group Names in Zoology* with the Name Numbers severally specified below :—

- (a) HATTERIIDAE Cope, 1864 (type genus : *Hatteria* Gray (J.E.), 1842) (a name suppressed under the Plenary Powers in (1)(b) above for the purposes of the Law of Priority but not for those of the Law of Homonymy) (Name No. 183) ;
- (b) RHYNCHOCEPHALIDAE Hoffmann, 1881 (type genus : *Rhynchocephalus* Owen, 1845) (invalid (a) because the name of its type genus is invalid as a junior homonym of another generic name and (b) because this name is a junior objective synonym of SPHENODONTIDAE Cope, 1870, the respective type genera of these family-group taxa having the same species as type species) (Name No. 184).

## I. THE STATEMENT OF THE CASE

On 8th February 1954, Professor Robert Mertens (*Senckenbergische Naturforschende Gesellschaft, Forschungs-Institut u. Natur-Museum Senckenberg, Frankfurt a.M., Germany*) submitted to the Office of the International Commission a preliminary communication on the subject of the generic name commonly known as *Sphenodon* Gray, 1831 (Class Reptilia) and, consequent upon correspondence with the Secretary, he submitted the following

application in regard to the foregoing name to the International Commission on Zoological Nomenclature on 11th November 1954 :—

**Proposed use of the Plenary Powers for the purpose (a) of validating the currently accepted emendation "Sphenodon" of the generic name "Sphaenodon" Gray (J.E.), 1831, and (b) of validating the family-group name "Sphenodontidae" Cope, 1870 (Class Reptilia)**

By ROBERT MERTENS

(Forschungs-Institut und Natur-Museum Senckenberg,  
Frankfurt a. Main, Germany)

The object of the present application is to ask the International Commission to use its Plenary Powers for the purpose of giving valid force to the currently accepted emendation *Sphenodon* for the generic name *Sphaenodon* Gray (J.E.), 1831. The facts of this case are set out briefly below.

2. In 1831 (*Zool. Misc.* (1) : 14), Gray (J.E.) gave the name *Sphaenodon* to the famous "Brückenechse" which he placed with the AGAMIDAE on the basis of a skull. He did not however then give a name to this species. In 1842, however, he gave this species the name *Hatteria punctata* (*Zool. Misc.* (2) : 72), thus making this nominal species the type species of *Sphaenodon* by monotypy.

3 There is no doubt that the word "Sphaenodon" is derived from the Greek word  $\sigma\phi\eta\nu$  (= wedge) and that the spelling "Sphaenodon" is an error of transcription, the correct spelling being "Sphenodon". For this reason, nearly all later authors, notably Gray (1872) himself, have used the emended spelling *Sphenodon*, and the "Brückenechse" has been referred to under this name in many general works in recent years. Although I am, in general, a strong opponent of the emendation of names, I consider that in the case of the name for so well known an animal as the present it is desirable that the International Commission should validate the currently accepted form for its generic name.

4. There are two other nominal genera of which *Hatteria punctata* Gray, 1842, is the type species. The first of these is the genus *Hatteria* itself which was established by Gray on the same page (: 72) as that on which he published the name *Hatteria punctata*, which is the type species of this genus by monotypy. The second of these nominal genera is *Rhynchocephalus* Owen, 1845 (*Trans. geol. Soc. Lond.* (2)7 : 78).

In his 1845 paper Owen introduced this generic name in a very casual way and did not make it clear what was the species which he included in it. He discussed this genus again in 1853 (*Cat. Coll. Surgeons* 1 : 142, 143). The position in relation to the names *Sphenodon* and *Hatteria* was more fully discussed by Gray in 1869 (*Ann. Mag. nat. Hist.* (4)3 : 167). It is clear from these later papers that the type species of *Rhynchocephalus* Owen is *Hatteria punctata* Gray. Quite apart from the foregoing considerations, the generic name *Rhynchocephalus* Owen, 1845, is invalid by reason of being a junior homonym of *Rhynchocephalus* Fischer de Waldheim, 1806 (*Mém. Soc. imp. Nat. Moscou* 1 : 220). Accordingly, when the generic name *Sphenodon* Gray, 1831, is placed on the *Official List of Generic Names in Zoology*, its two junior objective synonyms *Hatteria* Gray, 1842, and *Rhynchocephalus* Owen, 1845, should be placed on the *Official Index of Rejected and Invalid Generic Names in Zoology*.

5. Each of the generic names discussed above has been made the basis of a family-group name, and it is desirable that the present opportunity should be taken to deal with this aspect of the present case also. First, the family-group name SPHENODONTIDAE Cope, 1870 (*Proc. amer. Ass. Adv. Sci.* 19 : 235) should now be placed on the *Official List of Family-Group Names in Zoology*. Second, the family-group name RHYNCHOCEPHALIDAE Hoffmann, 1881 (*in Bronn, Klass. Ordn. Thierr.* 6 (Abt. 3, Lief. 18/21) : 1065) (type genus *Rhynchocephalus* Owen, 1845, a junior objective synonym of *Hatteria* Gray, 1842, and of *Sphenodon* Gray, 1831) should be placed on the *Official Index of Rejected and Invalid Family-Group Names in Zoology*, as it is a junior objective synonym of SPHENODONTIDAE Cope, 1870.

6. We have now to consider the third of the family-group names concerned, namely HATTERIIDAE Cope, 1864 (*Proc. Acad. nat. Sci. Philad.* 1864 : 227) the type genus of which is *Hatteria* Gray, 1842, which, as shown above, is a junior objective synonym of *Sphenodon* Gray, 1831. The name SPHENODONTIDAE Cope, 1870, which is in current use for this family, is junior by six years to the name HATTERIIDAE Cope, 1864. Up to 1953, this would not have prevented the family in question from being known by the family name (SPHENODONTIDAE) based upon the oldest valid name for its type genus. Unfortunately, however, the Fourteenth International Congress of Zoology, Copenhagen, 1953, when revising the rules relating to family-group names, inserted a provision that "Where the name of the type genus of a taxon belonging to the Family-Group has to be changed because it is found to be either (i) a junior objective synonym or (ii) a junior subjective synonym, the name of the Family-Group taxon based upon the name of that type genus is not to be changed" (1953, *Copenhagen Decisions on Zoological Nomenclature* : 36, Decision 54(1)(a)). This decision represents a most unfortunate innovation and one calculated to cause much name-changing and confusion at the family-name level, and it is

much to be hoped that it will be reversed by the next (London, 1958) International Congress of Zoology. In the present case this decision, if applied, would lead to the rejection of the well-known family name SPHENODONTIDAE and its replacement by the long-rejected and inappropriate name HATTERIIDAE. In present circumstances the only way by which this result can be avoided is for the Commission to use its Plenary Powers to suppress the family-group name HATTERIIDAE Cope, 1864, thereby validating the accepted name SPHENODONTIDAE Cope, 1870. This course the Commission is therefore now asked to take.

7. I accordingly recommend that the International Commission should :—

(1) use its Plenary Powers :—

- (a) to validate the currently accepted emendation *Sphenodon* for the generic name *Sphaenodon* Gray (J.E.), 1831 ;
  - (b) to suppress for the purposes of the Law of Priority but not for those of the Law of Homonymy the family-group name HATTERIIDAE Cope, 1864 (type genus : *Hatteria* Gray (J.E.), 1842) ;
- (2) place the under-mentioned generic name on the *Official List of Generic Names in Zoology* :—*Sphenodon* (emend. of *Sphaenodon*) Gray (J.E.), 1831 (gender : masculine) (type species, by monotypy : *Hatteria punctata* Gray, 1842) ;
- (3) place the under-mentioned specific name on the *Official List of Specific Names in Zoology* :—*punctata* Gray, 1842, as published in the combination *Hatteria punctata* (specific name of type species of *Sphenodon* Gray, 1831) ;
- (4) place the under-mentioned generic name on the *Official Index of Rejected and Invalid Generic Names in Zoology* : *Sphaenodon* Gray (J.E.), 1831 (an Original Spelling rejected under the Plenary Powers under (1) above) ;
- (5) place the under-mentioned family-group name on the *Official List of Family-Group Names in Zoology* :—SPHENODONTIDAE Cope, 1870, *Proc. amer. Ass. Adv. Sci.* 19 : 235 (type genus : *Sphenodon* (emend. of *Sphaenodon*) Gray (J.E.), 1831).
- (6) place the under-mentioned family-group names on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* :—
- (a) HATTERIIDAE Cope, 1864 (type genus : *Hatteria* Gray (J.E.), 1842, as suppressed under the Plenary Powers under (1)(b) above) ;

- (b) RHYNCHOCEPHALIDAE Hoffmann, 1881 (type genus : *Rhynchocephalus* Owen, 1845) (invalid because a junior synonym of SPHENODONTIDAE Cope, 1870, the names of the respective type genera of these family-groups being objective synonyms of another).

## II. THE SUBSEQUENT HISTORY OF THE CASE

**2. Registration of the present application :** Upon the receipt of Professor Mertens's preliminary communication, the question of the emendation to *Sphenodon* of the generic name *Sphaenodon* Gray (J.E.), 1831, was allotted the Registered Number Z.N.(S.) 811.

**3. Publication of the present application :** The present application was sent to the printer on 31st December 1954 and was published on 31st May 1955 in Part 5 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Mertens, 1955, *Bull. zool. Nomencl.* 11 : 139—141).

**4. Issue of Public Notices :** Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers was given on 31st May 1955 (a) in Part 5 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which Professor Mertens's application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given also to four general zoological serial publications and to two specialist serials (published in Europe and America respectively).

**5. Support received from Tadeusz Jaczewski (Warsaw, Poland) :** On 12th June 1955, Professor Tadeusz Jaczewski (*Institute of Zoology, Polish Academy of Sciences, Warsaw*) addressed to the Office of the Commission the following letter in which, after

supporting the present application, he drew attention to two small omissions in the final paragraph in which the action which it was desired that the Commission should take had been summarised by the applicant (Jaczewski, 1955, *Bull. zool. Nomencl.* **11** : 304) :—

I wish to support to the full extent the proposition by Professor Dr. Robert Mertens, concerning the validation of the emended generic name *Sphenodon* Gray, 1831, and of the family-group name SPHENODONTIDAE Cope, 1870.

In particular I wish to support most strongly the opinion expressed by Dr. Mertens in paragraph 6 (pp. 140—141) of the above proposition, concerning the use of family-group names derived from generic names which proved to be synonyms. I quite agree with Dr. Mertens that it is to be hoped that the unfortunate Copenhagen Decision No. 54, point (1)(a), will be finally reversed by the next International Congress.

In my opinion the only way leading to reasonable stability of family-group names is through the previous stabilisation, i.e., placing on the *Official List*, of the names of the corresponding type genera of the families in question. I think that the Copenhagen Decision is manifestly contrary to the very principle of the type method which is taken as the basis for the formation of family-group names. I am unable to see any reasonable basis for the maintenance of family-group names derived from synonymous generic names which are liable to be placed at any time on the *Official Index of Rejected and Invalid Generic Names in Zoology* and thus become doomed to oblivion. I think *valid* family names based on *invalid* generic names are a very anomalous combination.

Returning to the proposition of Professor Dr. R. Mertens, I think that the generic names *Hatteria* Gray, 1842, and *Rhynchocephalus* Owen, 1845, should also be placed on the *Official Index of Rejected and Invalid Generic Names in Zoology*, as proposed at the end of paragraph 4 (: 140). This proposition is omitted, perhaps by mistake, in paragraph 7 (: 141).

**6. Support received from Hobart M. Smith (University of Kansas, Lawrence, Kansas, U.S.A.) :** On 8th July 1955, Professor Hobart M. Smith (*University of Kansas, Lawrence, Kansas, U.S.A.*) addressed the following letter of support to the Office of the Commission :—

Z.N.(S.) 811 (*Sphenodon*) : Approval is hereby registered for all the proposals 1—6 of the cited application.

**7. No objection received :** No objection to the action proposed in the present case was received from any source.

**8. Preparation by the Secretary in February 1956 of a Supplementary Note on two minor aspects of the present case :** On 7th February 1956, Mr. Hemming as Secretary prepared a note to be annexed as Note 5 to the Voting Paper then on the point of being issued in connection with the present application in which he drew attention to the fact that by an oversight, to which attention had been drawn by Professor Tadeusz Jaczewski (paragraph 5 above), two proposals on which the Commission would need to be asked to vote on that Voting Paper, though mentioned by the applicant in the body of the application (paragraph 4), had not been included in the summary given in the concluding paragraph (paragraph 7). The proposals in question were concerned with the addition of two objectively invalid generic names to the *Official Index of Rejected and Invalid Generic Names in Zoology*. These names were :—(i) *Hatteria* Gray (J.E.), 1842 (a junior objective synonym of *Sphenodon* Gray, 1831) ; (ii) *Rhynchocephalus* Owen, 1845 (a junior objective synonym of *Sphenodon* Gray (J.E.), 1831, and, in addition, a junior homonym of *Rhynchocephalus* Fischer de Waldheim, 1806).

### III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

**9. Issue of Voting Paper V.P.(56)5 :** On 29th February 1956, a Voting Paper (V.P.(56)5) was issued in which the Members of the Commission were invited to vote either for, or against, “the proposal relating to the generic name *Sphenodon* Gray, 1831, as set out in Points (1) to (6) in paragraph 7 on page 141 of Volume 11 of the *Bulletin of Zoological Nomenclature* [i.e. in the points numbered as above in paragraph 7 of the application reproduced in the first paragraph of the present *Opinion*], subject to the additional proposals specified in Note 5 overleaf” [i.e. in the Note referred to in paragraph 8 of the present *Opinion*].

**10. The Prescribed Voting Period :** As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 29th May 1956.

**11. Particulars of the Voting on Voting Paper V.P.(56)5 :** At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(56)5 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Sylvester-Bradley ; do Amaral ; Bradley (J.C.) ;  
Hering ; Lemche ; Vokes ; Mayr ; Key ; Jaczewski ;  
Dymond ; Bodenheimer ; Mertens ; Esaki ; Boschma ;  
Hankō Riley ; Prantl ; Stoll ; Hemming ; Cabrera ;  
Tortonese ; Bonnet ; Kühnelt ; Miller ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned :*

None.

**12. Declaration of Result of Vote :** On 30th May 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(56)5, signed a Certificate that the Votes cast were as set out in paragraph 11 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

**13. Preparation of the Ruling given in the present “ Opinion ” :** On 23rd November 1956, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(56)5.

**14. Original References :** The following are the original references for the generic and specific names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

*Hatteria* Gray (J.E.), 1842, *Zool. Misc.* (2) : 72

*punctata*, *Hatteria*, Gray (J.E.), 1842, *Zool. Misc.* (2) : 72

*Rhynchocephalus* Owen, 1845, *Trans. geol. Soc. Lond.* (2) 7 : 78

*Sphaenodon* Gray (J.E.), 1831 [an Invalid Original Spelling for *Sphenodon* q.v.]

*Sphenodon* (emend. of *Sphaenodon*) Gray (J.E.), 1831, *Zool. Misc.* (1) : 14

**15.** The following are the original references for the family-group names placed on the *Official List* and *Official Index* of the names of taxa belonging to the family-group category :—

HATTERIIDAE Cope, 1864, *Proc. Acad. nat. Sci. Philad.* **1864** : 227

RHYNCHOCEPHALIDAE Hoffmann, 1881, in Bronn, *Klass. Ordn. Thier.* **6** (Abt. 3, Lief. 18/21) : 1065

SPHENODONTIDAE Cope, 1870, *Proc. amer. Ass. Adv. Sci.* **19** : 235

**16.** The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly

hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

17. The present *Opinion* shall be known as *Opinion* Four Hundred and Fifty-Five (455) of the International Commission on Zoological Nomenclature.

DONE in London, this Twenty-Third day of November, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission  
on Zoological Nomenclature*

**FRANCIS HEMMING**